Case 1:22-cv-00147-JLT-EPG Document 12 Filed 12/14/22 Page 1 of 3 1 Tanya E. Moore, SBN 206683 MOORE LAW FIRM, P.C. 300 South First Street, Suite 342 2 San Jose, California 95113 3 Telephone (408) 298-2000 Facsimile (408) 298-6046 4 E-mail: service@moorelawfirm.com 5 Attorney for Plaintiff Darren Gilbert 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 DARREN GILBERT, Case No. 1:22-cv-00147-JLT-EPG 12 Plaintiff, STIPULATION GRANTING PLAINTIFF LEAVE TO FILE FIRST AMENDED VS. 13 COMPLAINT; ORDER 14 MOHAMED N. ZOKARI, individually and dba NUNES MARKET, et al., (ECF No. 11) 15 Defendants. 16 17 18 19 WHEREAS, Plaintiff, Darren Gilbert ("Plaintiff"), seeks to amend his complaint to 20 allege additional access barriers which relate to his disability which were identified during the 21 pendency of this action; 22 WHEREAS, the Ninth Circuit both urges and requires Plaintiff to identify in his 23 complaint all barriers identified which relate to his disability. Chapman v. Pier 1 Imports (U.S.) 24 Inc., 631 F.3d 939, 944 (9th Cir. 2011); Oliver v. Ralphs Grocery Co., 654 F.3d 903, 909 (9th

WHEREAS, Plaintiff has not unduly delayed the amendment, does not bring it in bad faith, the amendment is not futile, and such amendment does not prejudice the defendants, nor does the amendment in any way change the nature of the action; and

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Cir. 2011);

WHEREAS, this amendment would not alter any dates or deadlines set by the Court; 1 2 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and 3 Defendants Mohamed N. Zokari individually and dba Nunes Market, and Tina Zokari, the 4 parties to this Action, through their respective attorneys of record, that Plaintiff may file a First 5 Amended Complaint, a copy of which is attached hereto as Exhibit "A." 6 IT IS FURTHER STIPULATED that Plaintiff shall file his First Amended Complaint 7 within five (5) calendar days of the Court's Order permitting such filing, and that Defendants' 8 responses thereto shall be due as required by the Federal Rules of Civil Procedure. 9 IT IS SO STIPULATED. 10 Dated: December 8, 2022 11 MOORE LAW FIRM, P.C. 12 /s/ Tanya E. Moore 13 Tanya E. Moore 14 Attorney for Plaintiff, Darren Gilbert 15 Dated: December 12, 2022 VAUGHAN & ASSOCIATES LAW OFFICE 16 17 /s/ Khushpreet R. Mehton Cris C. Vaughan 18 Khushpreet R. Mehton Attorneys for Defendants, 19 Mohamed N. Zokari individually and dba Nunes 20 Market, and Tina Zokari 21 22 23 24 25 26 27 28

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1	<u>ORDER</u>
2	Pursuant to the parties' stipulation (ECF No. 11), IT IS ORDERED that Plaintiff shall
3	file his First Amended Complaint, a copy of which was filed with the Parties' stipulation (ECF
4	No. 11-1), within five (5) days of the date this Order is entered. IT IS FURTHER ORDERED
5	that Defendants' responses thereto shall be filed within the time required by the Federal Rules
6	of Civil Procedure.
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8	IT IS SO ORDERED.
9	Dated: December 13, 2022 /s/ Encir P. Gross
10	Dated: December 13, 2022 /s/ UNITED STATES MAGISTRATE JUDGE
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